

UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

|                              |   |                        |
|------------------------------|---|------------------------|
| IN RE: GARY E. FOHRINGER and | : | CHAPTER 13             |
| LOIS M. FOHRINGER            | : |                        |
| Debtor(s)                    | : |                        |
|                              | : |                        |
| JACK N. ZAHAROPOULOS         | : |                        |
| STANDING CHAPTER 13 TRUSTEE  | : |                        |
| Movant                       | : |                        |
|                              | : |                        |
| vs.                          | : |                        |
|                              | : |                        |
| GARY E. FOHRINGER and        | : |                        |
| LOIS M. FOHRINGER            | : |                        |
| Respondent(s)                | : | CASE NO. 4-21-bk-01186 |

TRUSTEE'S OBJECTION TO AMENDED CHAPTER 13 PLAN

AND NOW, this 9th day of November, 2021, comes Jack N. Zaharopoulos, Standing Chapter 13 Trustee, and objects to the confirmation of the above-referenced debtor(s)' plan for the following reason(s):

1. Debtor(s)' plan violates 11 U.S.C. § 1322(b)(1) in that the plan classifies unsecured claims but unfairly discriminates certain claims in the designation. More specifically, the plan provides for payment of:

- a. Trustee objects to payments to American Express and to Cavalry. The attachments to the said creditors' Claims No. 1 and 12 respectfully, indicate Judgment by Consent against Gary Fohringer, only, for American Express; and a Default Judgment in favor of Cavalry against Gary Fohringer, only. The real estate is owned by both debtors, and a judgment against one of them, is not a valid lien under Pennsylvania law. Therefore, American Express and Cavalry should be treated as unsecured creditors and share pro rata with allowed unsecured creditors in this bankruptcy case.

WHEREFORE, Trustee alleges and avers that debtor(s) plan is nonconfirmable and therefore Trustee prays that this Honorable Court will:

- a. Deny confirmation of debtor(s) plan.

- b. Dismiss or convert debtor(s) case.
- c. Provide such other relief as is equitable and just.

Respectfully submitted:

Jack N. Zaharopoulos  
Standing Chapter 13 Trustee  
8125 Adams Drive, Suite A  
Hummelstown, PA 17036  
(717) 566-6097

BY: /s/Agatha R. McHale  
Attorney for Trustee

CERTIFICATE OF SERVICE

AND NOW, this 9th day of November, 2021, I hereby certify that I have served the within Objection by electronically notifying parties or by depositing a true and correct copy of the same in the United States Mail at Hummelstown, Pennsylvania, postage prepaid, first class mail, addressed to the following:

Leah Stump, Esquire  
3115 North Front Street  
Harrisburg, PA 17110

/s/Deborah A. Behney  
Office of Jack N. Zaharopoulos  
Standing Chapter 13 Trustee